IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34387 of 2008
1. AMLESH RAI SON OF LATE BABAN RAI
2. DUDDU RAI SON OF SRI BINDA RAI
BOTH RESIDENTS OF VILLAGE BABU BISHUNPUR, P.S. JADOPUR, DISTRICT GOPALGANJ----------PETITIONERS.
Versus
THE STATE OF BIHAR----------OPPOSITE PARTY.
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04. 12.11.2008. Heard learned counsel for the petitioners and the State.

Petitioners are accused in a case under Section 364A of the Penal Code which was registered against four unknown accused. They have been implicated in this case on the basis of the statement of the spy and one Gudri Pandit but from the very content of the First Information Report it is evident that the offence under Section 364A is not made out so submitted counsel for the petitioners. petitioners, however, failed to respond to the summons issued after submission of charge sheet and were absconders but from the order dated 17.6.2008 passed by the Chief Judicial Magistrate it does not appear that he verified from the records as to whether summons were actually served on the petitioners.

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Be that as it may, petitioners, namely, Amlesh Rai and Guddu Rai are directed to be released on bail on furnishing bail bond of Rs.5,000/-(Five thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 218 of 2004.

(V.N.Sinha, J)

Rajesh/